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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,556	02/19/2004	Yoshihiko Takagi	36462	5147

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EXAMINER

BAYOU, YONAS A

ART UNIT PAPER NUMBER

2134

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,556	Applicant(s) TAKAGI ET AL.	
	Examiner Yonas Bayou	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/2005 and 03/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitations in the independent claims 1 and 16, fail to contain a written description of the invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold Patent No. US 6,175,924 B1 (hereinafter Arnold).

Referring to claim 1, Arnold teaches a memory device comprising:

a first tamper resistant memory which cannot be accessed directly by an electronic device **[column 3, line 65 – column 4, line 3; column 6, lines 20-23 and fig. 1]**; and

a second non-tamper resistant memory which cannot be directly accessed by the electronic device **[column 3, line 65 – column 4, line 3; column 6, lines 20-23 and fig. 1]**,

wherein data stored in the first memory is saved to the second memory **[column 6, lines 13-19 and fig. 4]**.

Referring to claims 2 and 5, Arnold teaches a memory device comprising:

wherein the saved data is data prepared when installing an application program or executing the application program **[column 6, lines 13-19 and fig. 4]**.

Referring to claim 3, Arnold teaches a memory device comprising:

wherein when the data is saved to the second memory, the program code of the application program is rejected from the first memory **[column 1, lines 63-67]**.

Referring to claim 4, Arnold teaches a memory device comprising:

wherein when the data is saved to the second memory, the program code of the application program is left in the first memory **[column 1, lines 63-67; reloaded when their services are again required]**.

Referring to claim 6, Arnold teaches a memory device comprising:

a managing table in which the managing information for the data stored in the first memory is described, wherein the managing information includes information indicating whether or not the data can be saved **[column 6, lines 57-65 and fig. 5]**.

Referring to claim 7, Arnold teaches a memory device comprising:

wherein the application program is downloaded in the first memory and installed in the first memory **[column 3, lines 52-56 and fig. 1]**.

Referring to claim 8, Arnold teaches a memory device comprising:

wherein the application program is downloaded in the second memory and installed in the first memory **[column 4, lines 30-39]**.

Referring to claim 9, Arnold teaches a memory device comprising:

wherein the application program is downloaded in the second memory and installed in the second memory **[column 5, lines 6-8]**.

Referring to claim 10, Arnold teaches a memory device comprising:

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wherein the saved data and the signature information for the data are encoded and saved to the second memory **[column 5, lines 31-47]**.

Referring to claim 11, Arnold teaches a memory device comprising:

wherein the first memory includes a saved information managing unit for managing saved information, data to be saved is encoded and saved, and the signature information of the encoded data is stored in the saved information managing unit **[column 5, lines 31-53]**.

Referring to claim 12, Arnold teaches a memory device comprising:

wherein data to be saved is determined on the basis of an instruction from an electronic device **[column 4, lines 30-33]**.

Referring to claim 13, Arnold teaches a memory device comprising:

wherein if there is no space area for downloading or installing data in the first memory when an instruction to download or install the application program in the first memory is received, arbitrary data which is accumulated in the first memory and possible to be saved is saved to the second memory **[column 4, lines 58-65]**.

Referring to claim 14, Arnold teaches a memory device comprising:

wherein specific saved data is restored in accordance with a restoration instruction from the electronic device **[column 1, lines 63-67]**.

Referring to claim 15, Arnold teaches a memory device comprising:

wherein the saved data related to the application program is restored in accordance with a start instruction of the application program from the electronic device **[column 1, lines 1-6]**.

Referring to claim 16, Arnold teaches a memory device comprising:

a tamper resistant module including an inner CPU and a first memory, to which external devices can not directly access **[column 3, line 65 – column 4, line 3; column 6, lines 20-23 and fig. 1]**;

a non-tamper resistant memory including a second memory, to which external devices can not directly access **[column 3, line 65 – column 4, line 3; column 6, lines 20-23 and fig. 1]**;

a control part for controlling access to the tamper resistant module and the non-tamper resistant memory from external devices **[column 4, lines 4-7]**;

wherein said inner CPU is capable of directly accessing to both the first memory and the second memory, detects space areas of both the first memory and the second memory, and instructs to exchange necessary data to execute an application program between the first memory and the second memory in accordance with the detected space areas and/or command from an external device authenticated by the control part **[column 4, lines 4-7; column 5, lines 10-15 and fig. 3]**.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

YB


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER